

Exhibit E

Brian Biddinger

From: Christopher Scharff <CSCHARFF@mcandrews-ip.com>
Sent: Tuesday, October 27, 2020 1:32 PM
To: Brian Biddinger
Cc: Amanda Antons; Steven Cherny; Nicola Felice; John Shaw; Sandra Frantzen; Bob Surette; Bryce Persichetti; Gaza, Anne Shea; Wilson, Samantha
Subject: RE: PureWick Corporation v. Sage Products, LLC; Case No. 19-1508-MN

[EXTERNAL EMAIL]

Brian:

As a follow up to your proposal and in the hopes of finding a compromise, we can discuss the following proposal at our upcoming call:

1. Thirty days after the Court's Claim Construction Order regarding the four patents-in-suit, the parties shall meet and confer regarding narrowing the claims asserted and the prior art including addressing which claims will be asserted during expert discovery and the number of prior art references. Paragraphs 2 and 3 below shall apply if there are no proposed amendments after the parties meet and confer pursuant to this Paragraph.

2. Thirty days before the deadline for opening expert reports, Plaintiff shall narrow the number of asserted claims to no more than 12 (with no more than 5 claims per patent) and shall identify those claims to Defendant.

3. Three weeks after the deadline in Paragraph 2, Defendant shall narrow the number of prior art references used for prior art invalidity to no more than 25 references per patent (in any combination if used for obviousness) and shall identify those references to Plaintiff. For purposes of this provision, a prior art product (such as earlier versions or iterations of the PureWick female catheter, which have not yet been produced) shall count as a single reference. Moreover, notwithstanding the foregoing, references addressed as background regarding the knowledge of an ordinarily skilled artisan or the state of the art shall not be limited.

Sincerely,

Chris


McAndrews
Christopher Scharff
Attorney at Law
McAndrews, Held & Malloy, Ltd.
500 W. Madison St.
Suite 3400 | Chicago, IL 60661
P: 312-775-8000

cscharff@mcandrews-ip.com
[bio](#) | [v-card](#) | [website](#)

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From: Christopher Scharff <CSCHARFF@mcandrews-ip.com>

Sent: Monday, October 26, 2020 9:26 PM

To: Brian Biddinger <brianbiddinger@quinnemanuel.com>

Cc: Amanda Antons <amandaantons@quinnemanuel.com>; Steven Cherny <stevencherny@quinnemanuel.com>; Nicola Felice <nicolafelice@quinnemanuel.com>; John Shaw <jshaw@shawkeller.com>; Sandra Frantzen <SFRANTZEN@mcandrews-ip.com>; Bob Surrette <BSURRETTE@mcandrews-ip.com>; Bryce Persichetti <BPersichetti@mcandrews-ip.com>; Gaza, Anne Shea <agaza@ycst.com>; Wilson, Samantha <SWilson@ycst.com>

Subject: Re: PureWick Corporation v. Sage Products, LLC; Case No. 19-1508-MN

Brian,

1:00 pm CT works for us; thanks. I can send around a dial-in.

-Chris



McAndrews
Christopher Scharff
Attorney at Law
McAndrews, Held & Malloy, Ltd.
500 W. Madison St.
Suite 3400 | Chicago, IL 60661
P: 312-775-8000
cscharff@mcandrews-ip.com
[bio](#) | [v-card](#) | [website](#)

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On Oct 26, 2020, at 8:40 PM, Brian Biddinger <brianbiddinger@quinnemanuel.com> wrote:

CAUTION: External Email From: brianbiddinger@quinnemanuel.com

Chris, I am not available at 11 am CT. How about 1 pm CT (2pm ET)?

On Oct 26, 2020, at 9:23 PM, Christopher Scharff <CSCHARFF@mcandrews-ip.com> wrote:

[EXTERNAL EMAIL]

Brian:

Let us know if you can meet and confer tomorrow at 11 am CT regarding the below.

Sincerely,

Chris

[<McAndrews-Logo_b981f23b-af61-4e79-9eb1-f721417fba3e.PNG>](#)

Christopher Scharff
Attorney at Law

McAndrews, Held & Malloy, Ltd.

500 W. Madison St.

Suite 3400 | Chicago, IL 60661

P: 312-775-8000

cscharff@mcandrews-ip.com

[bio](#) | [v-card](#) | [website](#)

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From: Brian Biddinger <brianbiddinger@quinnemanuel.com>

Sent: Monday, October 26, 2020 9:50 AM

To: Christopher Scharff <CSCHARFF@mcandrews-ip.com>; Amanda Antons <amandaantons@quinnemanuel.com>; Steven Cherny <stevencherny@quinnemanuel.com>; Nicola Felice <nicolafelice@quinnemanuel.com>; John Shaw <jshaw@shawkeller.com>

Cc: Sandra Frantzen <SFRANTZEN@mcandrews-ip.com>; Bob Surrette <BSURRETTE@mcandrews-ip.com>; Bryce Persichetti <BPersichetti@mcandrews-ip.com>; Gaza, Anne Shea <agaza@ycst.com>; 'Wilson, Samantha' <SWilson@ycst.com>

Subject: RE: PureWick Corporation v. Sage Products, LLC; Case No. 19-1508-MN

Chris,

Thank you for sending your proposal regarding claim and prior art narrowing. We believe that the parties should propose a schedule now, and begin narrowing claims and prior art now, rather than deferring this until after expert discovery.

Attached is what we propose to submit to the Court. Please let us know if Sage will join in the proposal. If not, we can modify the attached to set forth each side's proposal.

Regards,
Brian

From: Christopher Scharff [<mailto:CSCHARFF@mcandrews-ip.com>]
Sent: Friday, October 23, 2020 2:59 PM
To: Amanda Antons <amandaantons@quinnemanuel.com>; Brian Biddinger <brianbiddinger@quinnemanuel.com>; Steven Cherny <stevencherny@quinnemanuel.com>; Nicola Felice <nicolafelice@quinnemanuel.com>; John Shaw <jshaw@shawkeller.com>
Cc: Sandra Frantzen <SFRANTZEN@mcandrews-ip.com>; Bob Surrette <BSURRETTE@mcandrews-ip.com>; Bryce Persichetti <BPersichetti@mcandrews-ip.com>; Gaza, Anne Shea <agaza@ycst.com>; 'Wilson, Samantha' <SWilson@ycst.com>
Subject: PureWick Corporation v. Sage Products, LLC; Case No. 19-1508-MN

[EXTERNAL EMAIL]

Counsel:

Regarding the Court's order that we confer regarding a schedule to narrow the case, we propose that the parties agree to confer within 30 days after the close of expert discovery to address those issues.

Sincerely,

Chris

<image001.png>

Christopher Scharff
Attorney at Law
McAndrews, Held & Malloy, Ltd.
500 W. Madison St.
Suite 3400 | Chicago, IL 60661
P: 312-775-8000
cscharff@mcandrews-ip.com
[bio](#) | [v-card](#) | [website](#)

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